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August 10, 2009

BY HAND DELIVERY

The Honorable Nathaniel M. Gorton
John Joseph Moakley United States Courthouse
One Courthouse Way, Suite 3110
Boston, MA 02210

***Re: Braintree Laboratories, Inc., et al. v. Citigroup Global
Markets Inc., et al., No. 09-cv-10601***

Your Honor:

This firm represents defendant, Citigroup Global Markets Inc. ("CGMI"), in this action. On May 6, 2009, CGMI filed a Motion to Stay Proceedings or Compel Arbitration, arguing that this Court should either (1) stay this matter until a final determination is made as to whether this matter should be transferred to a multidistrict litigation ("MDL") in the United States District Court for the Southern District of New York; or (2) compel plaintiffs, Braintree Laboratories, Inc., Braintree Holdings, and Braintree Real Estate Management Company, LLC (together, the "Braintree Entities"), to comply with their contractual obligation to submit this dispute to arbitration. That motion (and CGMI's motion for leave to file a reply in support of that motion) is now pending.

A similar motion to compel arbitration and stay proceedings was filed by CGMI in *The Reserve Homeowners Association v. Citigroup Global Markets Inc.*, Plymouth Superior Court, Civ. A. No. 09-565 (the "Reserve Action"). This action and the Reserve Action are related because they assert similar claims; the Chief Executive Officer of Braintree is also a principal of Reserve; and plaintiffs in both actions are represented by the same counsel. The arbitration clauses at issue in both actions are the same, and plaintiffs in both actions made identical arguments in opposition to CGMI's motions to compel arbitration.

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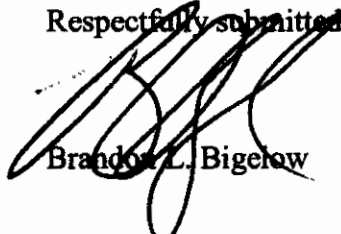
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On July 28, 2009, after hearing oral argument, the Plymouth Superior Court granted CGMI's motion to compel arbitration in the Reserve Action and ordered Reserve to submit all of its claims to arbitration. A copy of the Decision and Order is enclosed.¹ Because the arguments rejected by the state court are the same arguments advanced by the Braintree Entities in opposition to the motion to compel arbitration in this action, we respectfully submit that this Court should compel the Braintree Entities to arbitration for the reasons set forth in the Superior Court's decision.

Respectfully submitted,



Brandon L. Bigelow

Enclosure

cc: Barry S. Pollack, Esq. (*by hand, w/encl.*) (counsel for plaintiffs)
Joshua L. Solomon, Esq. (*by hand, w/encl.*) (counsel for plaintiffs)
Charles E. Davidow, Esq. (*by pdf, w/encl.*) (co-counsel for defendant)
Robert A. Buhlman, Esq. (*w/o encl.*)

¹ Reserve has since filed a motion for reconsideration of that decision.